



PATENT  
Atty. Dkt. No. 46403-1008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
YAJUN GUO )  
Serial No.: 09/216,604 )  
Filed: December 17, 1998 )  
For: CELLULAR VACCINES AND )  
IMMUNOTHERAPEUTICS AND )  
METHODS FOR THEIR )  
PREPARATION )

Group Art Unit: 1644  
Examiner: Dibrat, M.

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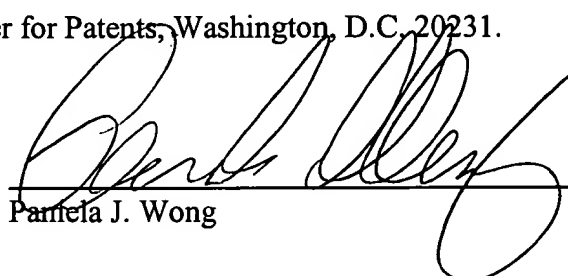
CERTIFICATE OF EXPRESS MAILING

Dear Sir:

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Date of Deposit: January 22, 2002

I hereby certify that a Continuing Prosecution Application (CPA) Request Transmittal (2 pages), Preliminary Amendment and return postcard are being deposited with the U.S. Postal Service "Express Mail Post Office to the Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to BOX CPA, Commissioner for Patents, Washington, D.C. 20231.

  
Pamela J. Wong

01.28.02

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DIPE JC152  
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PTO/SB/29 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	46403-1008
	First Named Inventor	Yajun GUO
	Examiner Name	D. H. M.
	Group Art Unit	4644
	Express Mail Label No.	EL 928 866 935

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 216,604  
filed on December 17, 1998, entitled Cellular Vaccines and Immunotherapeutics and Methods for their Prep.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed: 01/28/2002 AYONDAF1 00000130 09216604
  - ☐ PTO-1449 01 FC:231 370.00 CH
  - ☐ Copies of IDS Citations

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	6 -20* =	0		x \$ 0.00 =	\$ 0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3 -3** =	0		x \$ 0.00 =	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 0.00 =	0.00
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					370.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	370.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02 - 0410:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Baker & McKenzie LLP				
Address	101 West Broadway, Suite 1200				
City	San Diego	State	California	Zip Code	92101
Country	U.S.A.	Telephone	(619) 236-1441	Fax	(619) 236-0429

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Michael T. Cruz

Signature

*Michael T. Cruz*

Registration No. (Attorney/Agent)

44,636

Date

January 22, 2002



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PRELIMINARY AMENDMENT

Dear Sir:

In response to the Final Office Action dated July 20, 2001, the response to which is due by January 22, 2002, Applicant respectfully requests that the following preliminary amendment and remarks be made of record and considered in light of Applicant's Continued Prosecution Application Request filed herewith.

02/01/2002 6DUCKETT 00000003 020410 09216604  
01 FC:217 460.00 CH

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